THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.20899 OF 2007

Date: 21.11.2007

Between:

Sri Kumara Swamy Marine Exports
Pvt. Ltd

. . .Petitioner

AND

The District Collector, Nellore and another

. . .Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.20899 OF 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of respondent No.2 in not tendering the amount of compensation which was awarded in favour of the petitioner in proceedings RcA.1776 of 2006, dated 10.05.2007. The petitioner also challenged the legality of notice, dated 17.09.2007 issued by respondent No.2 whereunder he was called upon to produce the documents such as income-tax returns etc., pertaining to the petitioner company.

On 25.10.2007, the learned Assistant Government Pleader for Land Acquisition stated that the amount payable to the petitioner under the Consent Award will be paid in the name of the company by way of Pay Order within three days. On 01.11.2007, when the learned Assistant Government Pleader submitted that since the documents required to be produced vide impugned notice, dated 17.09.2007 were not produced by the petitioner, the compensation amount is not being paid, this Court directed respondent No.2 to deposit the compensation amount within three days. On 16.11.2007, it was reported that the amount was in fact deposited.

A perusal of Consent Award, dated 10.05.2007 clearly shows that the amount of compensation for Ac.12.83 cents situated in Thamminapatnam Village, Chillakur Mandal, Nellore District is payable to Sri Vemareddy Sundararami Reddy, Son of Ramachandra Reddy, Managing Director of the petitioner-company. However, by the impugned notice, respondent No.2 asked for the following documents.

1. Documents relating to the registration of the Company under companies Act.
2. Auditors reports of the Company from the inception.
3. Company Income Tax returns filed copies.
4. Minutes of the Meeting of the board of Directors held from time to time.
5. Company Bank A/c Number and the bank name for which the compensation amount to be credited.
6. The present status of the Company with the details of assets and liabilities.

Neither any counter has been filed nor the learned Assistant Government Pleader invited my attention to any legal provision under which the petitioner-company, which is admittedly the owner of the property and with whose consent the award was passed, is liable to furnish all these documents. Therefore, notice, dated 17.09.2007 is set aside and the petitioner-company is permitted to withdraw the amount of compensation which was already deposited in pursuance of the orders of this Court.

In view of the above, the writ petition is allowed. No costs.

C.V.NAGARJUNA REDDY, J

21st NOVEMBER, 2007

Note: furnish copy in three days.

B/o

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